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January 11, 2010

VIA ELECTRONIC FILING

The Honorable Sue L. Robinson
United States District Court
844 North King Street, Lock Box 31
Wilmington, DE 19801

Re: Callaway Golf Company v. Acushnet Company
C.A. No. 06-91-SLR

Dear Judge Robinson:

The parties are working to prepare the pre-trial filings that will be needed for the retrial in March 2010 in this matter.

In connection with this, I write to call the Court's attention to a *Daubert* motion that Acushnet filed in September 2007 seeking to exclude one portion of the testimony of Callaway's damages expert, Mr. Napper. This motion was fully briefed before the first trial, but the Court did not have to consider it due to the bifurcation of damages. The motion is now ripe for decision if the Court intends to try damages in the available March trial time.

The motion is captioned "Acushnet Company's Motion to Exclude the Testimony and Report of Callaway's Expert Witness Brian Napper," and is D.I. 284. The memorandum in support is D.I. 285, and the two volumes of appendices are D.I. 286 and 287. Callaway's opposition and supporting materials are found at D.I. 300 and 301. Acushnet's reply is filed as D.I. 310.

We appreciate the Court's attention to this matter.

Respectfully,

/s/ David E. Moore

David E. Moore

The Honorable Sue L. Robinson

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cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic filing)